

111TH CONGRESS
1ST SESSION

H. R. 2623

IN THE SENATE OF THE UNITED STATES

JULY 30, 2009

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To amend the Federal securities laws to clarify and expand
the definition of certain persons under those laws.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FORMERLY ASSOCIATED PERSONS.**

2 (a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SE-
 3 CURITIES RULEMAKING BOARD.—Section 15B(c)(8) of
 4 the Securities Exchange Act of 1934 (15 U.S.C. 78o–
 5 4(c)(8)) is amended by striking “any member or em-
 6 ployee” and inserting “any person who is, or at the time
 7 of the alleged misconduct was, a member or employee”.

8 (b) PERSON ASSOCIATED WITH A GOVERNMENT SE-
 9 CURITIES BROKER OR DEALER.—Section 15C of the Se-
 10 curities Exchange Act of 1934 (15 U.S.C. 78o–5) is
 11 amended—

12 (1) in subsection (c)(1)(C), by striking “or
 13 seeking to become associated,” and inserting “seek-
 14 ing to become associated, or, at the time of the al-
 15 leged misconduct, associated or seeking to become
 16 associated”;

17 (2) in subsection (c)(2)(A), by inserting “, seek-
 18 ing to become associated, or, at the time of the al-
 19 leged misconduct, associated or seeking to become
 20 associated” after “any person associated”; and

21 (3) in subsection (c)(2)(B), by inserting “,
 22 seeking to become associated, or, at the time of the
 23 alleged misconduct, associated or seeking to become
 24 associated” after “any person associated”.

25 (c) PERSON ASSOCIATED WITH A MEMBER OF A NA-
 26 TIONAL SECURITIES EXCHANGE OR REGISTERED SECURI-

1 TIES ASSOCIATION.—Section 21(a)(1) of the Securities
2 Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended
3 by inserting “, or, as to any act or practice, or omission
4 to act, while associated with a member, formerly associ-
5 ated” after “member or a person associated”.

6 (d) PARTICIPANT OF A REGISTERED CLEARING
7 AGENCY.—Section 21(a)(1) of the Securities Exchange
8 Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by insert-
9 ing “or, as to any act or practice, or omission to act, while
10 a participant, was a participant,” after “in which such
11 person is a participant,”.

12 (e) OFFICER OR DIRECTOR OF A SELF-REGULATORY
13 ORGANIZATION.—Section 19(h)(4) of the Securities Ex-
14 change Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

15 (1) by striking “any officer or director” and in-
16 serting “any person who is, or at the time of the al-
17 leged misconduct was, an officer or director”; and

18 (2) by striking “such officer or director” and
19 inserting “such person”.

20 (f) OFFICER OR DIRECTOR OF AN INVESTMENT COM-
21 PANY.—Section 36(a) of the Investment Company Act of
22 1940 (15 U.S.C. 80a–35(a)) is amended—

23 (1) by striking “a person serving or acting” and
24 inserting “a person who is, or at the time of the al-
25 leged misconduct was, serving or acting”; and

1 (2) by striking “such person so serves or acts”
2 and inserting “such person so serves or acts, or at
3 the time of the alleged misconduct, so served or
4 acted”.

Passed the House of Representatives July 29, 2009.

Attest: LORRAINE C. MILLER,
Clerk.